

# PERALES, ALLMON & ICE, P.C.

## ATTORNEYS AT LAW

1206 San Antonio Street  
Austin, Texas 78701  
(512) 469-6000 • (512) 482-9346 (facsimile)  
info@txenvirolaw.com

Of Counsel:  
David Frederick  
Richard Lowerre  
Brad Rockwell

October 22, 2021

Regional Freedom of Information Officer  
U.S. EPA, Region 6  
1445 Ross Avenue (ORC-DF)  
Dallas, TX 75202-2733

Via [FOIAonline.gov](https://www.foiaonline.gov)

**RE: Freedom of Information Act Request for TCEQ Permit No. 122362, PST Permit No. PSDTX1430M2, Permit No. GHGPSDTX209.**

Dear FOIA Officer:

This is a Freedom of Information Act request pursuant to 5 U.S.C. § 552 to the Environmental Protection Agency (“EPA”). This request is made on behalf of the Ingleside on the Bay Coastal Watch Association (“IOBCWA”), a non-profit working to preserve our community’s high quality of life by developing strategic partnerships, fostering innovative approaches, and pursuing funding designed to position Ingleside on the Bay as a resilient coastal community able to mitigate the negative effects of rising sea levels, larger and more frequent ship traffic, and rapid industrialization. We request a waiver or reduction of any FOIA charges because disclosure of the requested information is in the public interest.

### **Request for Information**

This request is related to Applicant MODA Ingleside LLC, CN605745140, RN101225746, Enbridge, Inc. and TCEQ Permit No. 122362, PST Permit No. PSDTX1430M2, Permit No. GHGPSDTX209.

**This request is only for information since our last Freedom of Information Act Request was submitted on July 9, 2021 (EPA-R6-2021-005408).**

We would like to request the following non-confidential information related to the above permits:

1. Any and all material regarding calls, including the monthly calls, between the EPA and the TCEQ. Material requested includes but is not limited to notes, agendas, minutes, transcripts, emails, and any other documents.

If the information exists in an electronic format, please provide it in an electronic format to [christa@txenvirolaw.com](mailto:christa@txenvirolaw.com).

If any of the public information requested in this request once existed but has since been destroyed, disposed of or not retained, please explain the circumstances of that destruction/non-retention and produce a copy of the policy that governs the retention or destruction in question.

### **Request for Fee Waiver or Reduced Charges**

On behalf of the Ingleside on the Bay Coastal Watch Association, I request that any fees associated with this request to be waived as provided for by the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(A)(iii), which provides:

Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

Disclosure of the requested information will contribute significantly to the public understanding of the EPA's procedures on its projects and permit processes, as well as the public's understanding of the permit process themselves and their impact on the natural environment. In particular, this information will contribute to the public's understanding of the relationship between EPA and TCEQ and activities in response to the significant public interest in the Moda/Enbridge facility and proposed permitting. The request is not in the commercial interest of IOBCWA, a non-profit organization, nor will any financial benefit accrue to IOBCWA from the possession or release of the requested information.

The requested information is likely to contribute significantly to public understanding of the operations or activities of the EPA, because IOBCWA uses this information to help inform its understanding of the state and federal government's permitting and enforcement activities related to the Moda/Enbridge facility and disseminate the relevant information to the Ingleside on the Bay community, other interested organizations, and the public in general, about the environmental impacts of the above-referenced permit, EPA's processes, and opportunities for public participation. To achieve these goals, IOBCWA, in part, posts information about Moda/Enbridge's proposed expansion on their public website for public consumption (<https://www.iobcwa.org/moda-expansion.html>). Many interested organizations that are following the Moda/Enbridge expansion, as well as members of the general public, rely on Ingleside on the Bay Coastal Watch Association and its website to obtain this type of information. For example, IOBCWA also co-hosts and contributes to a related website in partnership with Indigenous Peoples of the Coastal Bend (<https://stopmodanow.com/>). These issues and opportunities for public participation that IOBCWA identifies on its websites are informed by legal and scientific experts IOBCWA has retained. And through IOBCWA's proximity to the Moda/Enbridge site, and careful observation and documentation of ongoing operations and related permitting processes, they are able to digest complex procedures, environmental issues, and keep the public informed. These websites demonstrate IOBCWA's expertise and their ability and intention to disseminate the information to the public.

If the fee waiver request is denied, I request that the EPA provide a cost estimate prior to completing this FOIA request.

It is not my intention that this request be unduly burdensome. Please do not hesitate to call me if you have any questions about this request or if I can alter this request in some manner that would make it less burdensome for you.

Thank you kindly for your assistance in this matter.

Sincerely,

Christa Rhea

[christa@txenvirolaw.com](mailto:christa@txenvirolaw.com)

512-469-6000